

**ORDINANCE 127.2008 - FILOT**

FILED FOR RECORD  
08 SEP 16 AM 10:50  
CLERK OF COURT  
JUDICIAL DISTRICT  
SOUTHERN DISTRICT  
OF SOUTH CAROLINA  
COLUMBIA COUNTY, S.C.  
DONALD  
SOUTH CAROLINA,  
entered into a

Section 3. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase, or provision shall for any reason be declared by a court of competent

jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 4. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

Section 5. This Ordinance shall take effect and be in full force from and after its passage by the County Council.

Passed and approved this 9<sup>th</sup> day of September, 2008.

**KERSHAW COUNTY, SOUTH CAROLINA**

(SEAL)

By: Steve S. Kelly, Jr.  
Name: Steve S. Kelly, Jr.  
Title: Chairman, Kershaw County Council

Attest:

By: Earlene Y. Jones  
Name: Earlene Y. Jones  
Title: Clerk to County Council

First Reading: 06/24/08  
Second Reading: 07/22/08  
Public Hearing: 09/09/08  
Third Reading: 09/09/08

STATE OF SOUTH CAROLINA     )  
   )  
COUNTY OF KERSHAW            )

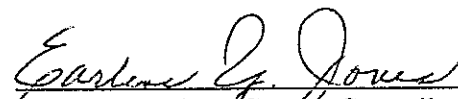
I, the undersigned, Clerk to County Council of Kershaw County, South Carolina ("County Council") DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct, and verbatim copy of an Ordinance adopted by the County Council. The Ordinance was read and received a favorable vote at three public meetings of the County Council on June 24, 2008, July 22, 2008, and September 9, 2008. At least one day passed between first and second reading, and at least seven days passed between second and third readings. A public hearing was held on September 9, 2008, and notice of the public hearing was published in the Chronicle-Independent on August 22, 2008. At each meeting, a quorum of County Council was present and remained present throughout the meeting.

Attached hereto are excerpts of the minutes of the meetings of the County Council. The County Council complied with the Freedom of Information Act, Chapter 4, Title 30 of the S.C. Code of Laws, 1976, in connection with said meetings of County Council.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Kershaw County Council, South Carolina, as of this 9<sup>th</sup> day of September, 2008.

  
\_\_\_\_\_  
Clerk to Kershaw County Council  
Kershaw County, South Carolina

**AMENDMENT TO  
FEE IN LIEU OF TAX AGREEMENT**

This **AMENDMENT TO FEE IN LIEU OF TAX AGREEMENT** is dated as of September 9, 2008 by and between **KERSHAW COUNTY, SOUTH CAROLINA**, a political subdivision and body corporate of the State of South Carolina (the "County"), and **TARGET CORPORATION**, a corporation duly organized and existing under the laws of the State of Minnesota and authorized to do business in the State of South Carolina (the "Company").

**WITNESSETH:**

**WHEREAS**, pursuant to the provisions of Chapter 44 of Title 12, Code of Laws of South Carolina, 1976, as amended (the "Act"), the County and the Company previously entered into a fee in lieu of tax agreement dated as of March 24, 2003 (the "FILOT Agreement"), for the purpose of, among other things, providing a fee in lieu of tax incentive to the Company in connection with the "Project," as defined in the FILOT Agreement (the "Project"); and

**WHEREAS**, the qualifying investment period with respect to the Project as provided in the FILOT Agreement terminates on December 31, 2008, unless otherwise extended (the "Initial Investment Period"); and

**WHEREAS**, the Company requested that the County extend the Initial Investment Period as permitted by Section 12-44-30(13) of the Act so as to include a projected expansion under the terms of the FILOT Agreement; and

**WHEREAS**, pursuant to an ordinance dated September 9, 2008 (the "Ordinance"), the County agreed to grant a three-year extension of the Initial Investment Period; and

**WHEREAS**, the County and the Company now desire to amend the FILOT Agreement to provide for said extension of the Initial Investment Period; and

**WHEREAS**, the Ordinance authorized the Chairman of the Kershaw County Council to do any and all things necessary to effect the extension of the Initial Investment Period as provided in the Ordinance.

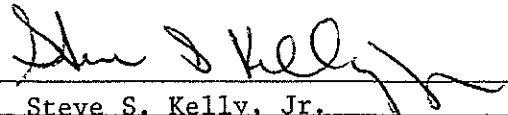
**NOW, THEREFORE**, in consideration of the above and other lawful consideration duly paid and received, the parties hereto **HEREBY AGREE** that the FILOT Agreement is amended to provide that the Initial Investment Period is extended by three years and shall expire on December 31, 2011.

(Signature Page Follows)

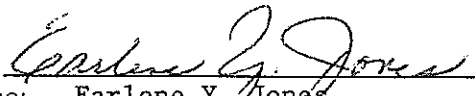
IN WITNESS WHEREOF, **KERSHAW COUNTY, SOUTH CAROLINA**, and **TARGET CORPORATION**, each pursuant to due authority, have duly executed this Amendment, all as of the date first above written.

**KERSHAW COUNTY, SOUTH CAROLINA**

(SEAL)

By:   
Name: Steve S. Kelly, Jr.  
Title: Chairman, Kershaw County Council

Attest:

By:   
Name: Earlene Y. Jones  
Title: Clerk to County Council

**TARGET CORPORATION**

By:   
Name: Scott Nelson  
Title: Sr Vice President  
Target Corporation